



**NEW MEXICO**  
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***Draft: September 23, 2020***

**GROUND WATER QUALITY BUREAU**  
**DISCHARGE PERMIT**  
**Issued under 20.6.2 NMAC**

**Facility Name:** Los Alamos County - White Rock Wastewater Treatment Facility

**Discharge Permit Number:** DP-907

**Facility Location:** 600 Overlook Road  
White Rock, NM

**County:** Los Alamos

**Permittee:** Philo S. Shelton, III, P.E., Utilities Manager

**Mailing Address:** Los Alamos County Department of Public Utilities  
1000 Central Avenue, Suite 130  
Los Alamos, NM 87544

**Facility Contact:** Jennifer Baca, Engineering Associate

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**Permitting Action:** Renewal and Modification

**Permit Issuance Date:** DATE

**Permit Expiration Date:** DATE

**NMED Permit Contact:** Gerald Knutson

**Telephone Number/Email:** (505) 660-7189/gerald.knutson@state.nm.us

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**MICHELLE HUNTER**  
Chief, Ground Water Quality Bureau  
New Mexico Environment Department

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Date

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## ATTACHMENTS

Discharge Permit Summary  
Table of 20.6.2.3103 Standards for Groundwater  
Groundwater Discharge Permit Guidance for Synthetically Lined Lagoons – Liner  
Material and Site Preparation, Revision 0.0, May 2007  
Land Application Data Sheet (LADS - <https://www.env.nm.gov/gwb/forms.htm>)  
Fertilizer Log

## **I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this groundwater discharge permit renewal and modification (Discharge Permit or DP-907) to the Los Alamos County Department of Public Utilities (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§ 74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Los Alamos County-White Rock Wastewater Treatment Facility (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

Described below are the activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics.

A wastewater treatment facility (WWTF) receives and treats at a volume of up to 820,000 gallons per day (gpd) of municipal wastewater. Treated wastewater (reclaimed domestic wastewater) is stored in a synthetically lined impoundment and the discharges to Los Alamos County properties within White Rock for irrigation, i.e., re-use. The Permittee's re-use involves a discharge via spray irrigation of the treated wastewater to locations that include landscaping at the Facility, local athletic fields, amphitheater grounds, and grasslands at Overlook Park. The Permittee discharges treated wastewater that is not reclaimed for re-use to a surface water outfall at Canada del Buey pursuant to a federal National Pollutant Discharge Elimination System Permit (NPDES Permit No. NM0020133). This Discharge Permit requires the reclaimed and reused wastewater attain the quality standard established by NMED making it suitable for uses in which public exposure is likely, i.e., Class 1B standards.

The Discharge Permit modification consists of two changes; 1) an upgrade to the wastewater treatment system including the construction of new system components, and 2) increasing the number of re-use locations to include Los Alamos County property throughout White Rock.

The discharge may contain water contaminants or toxic pollutants elevated above the standards of Section 20.6.2.3103 NMAC and is not subject to the exemption at Subsection 20.6.2.3105.A NMAC.

The Facility is located at 600 Overlook Park Road in White Rock, in Section 3, Township 18N, Range 07E and Section 34, Township 19N, Range 07E, Los Alamos County. The re-use irrigation locations are in Sections 3 and 4, Township 18N, and 07E and Sections 33 and 34, Township 19N, Range 07E,

Los Alamos County. A discharge from the Facility has the potential to affect groundwater at a depth of approximately 563 feet and having a total dissolved solids (TDS) concentration of approximately 133 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on February 5, 1993, and subsequently renewed the Permit on May 12, 1999, renewed the Permit on February 3, 2005, renewed the Permit on April 8, 2010, and renewed the Permit on May 20, 2015. The discharge permit application (i.e., discharge plan) consists of the materials submitted by the Permittee dated November 22, 2019, and materials contained in the administrative record prior to issuance of this Discharge Permit.

NMED reserves the right to require a Discharge Permit modification in the event NMED determines that the Permittee is or may be violating, or is likely to violate in the future, the requirements of 20.6.2 NMAC or the standards of Section 20.6.2.3103 NMAC. NMED reserves this right pursuant to Section 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination by the department that structural controls and/or management practices approved under this Discharge Permit are insufficiently protective of groundwater quality and human health. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater quality.

NMED's issuance of this Discharge Permit does not relieve the Permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation	Abbreviation	Explanation
BOD <sub>5</sub>	biochemical oxygen demand (5-day)	NMED	New Mexico Environment Department
CFR	Code of Federal Regulations	NMSA	New Mexico Statutes Annotated
CFU	colony forming unit	NO <sub>3</sub> -N	nitrate-nitrogen
Cl	chloride	QA/QC	Quality Assurance/Quality Control
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO <sub>3</sub> -N
LADS	Land Application Data Sheet(s)	TRC	total residual chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	WQA	New Mexico Water Quality Act
MPN	most probable number	WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code	WWTF	Wastewater Treatment Facility

## **II. FINDINGS**

In issuing this Discharge Permit, NMED finds the following.

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS, within the meaning of Subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.
2. This Discharge Permit allows the Permittee to discharge effluent or leachate from the Facility directly or indirectly into groundwater pursuant to this Discharge Permit and Sections 20.6.2.3000 through 20.6.2.3114 NMAC.
3. The discharge from the Facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

## **III. AUTHORIZATION TO DISCHARGE**

The Permittee is responsible for ensuring that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein pursuant to 20.6.2.3104 NMAC.

This Discharge Permit authorizes the Permittee to receive and treat up to 820,000 gpd of municipal wastewater at the wastewater treatment facility (WWTF). This Discharge Permit authorizes the Permittee to discharge treated wastewater (reclaimed domestic wastewater) from the WWTF to an on-site synthetically lined storage impoundment prior to re-use in accordance with this Discharge Permit and as follows:

- for spray irrigation of 4.72 acres of landscaping at the Facility;
- for spray irrigation of 28.09 acres of Los Alamos County property, including athletic fields, amphitheater grounds, and grasslands at Overlook Park; and
- for spray irrigation of future Los Alamos County landscape locations within White Rock subject to NMED approval.

This Discharge Permit also authorizes the Permittee to discharge treated wastewater from the WWTF to Canada del Buey in accordance with the Facility's NPDES Permit (NM0020133).

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

## **IV. CONDITIONS**

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

**A. OPERATIONAL PLAN**

#	Terms and Conditions
1.	<p>The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
2.	<p>The Permittee shall operate in a manner that does not violate standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC.</p> <p>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

***Operational Actions with Implementation Deadlines***

#	Terms and Conditions
3.	<p>Prior to discharging wastewater from a newly constructed wastewater treatment system or major component thereof, the Permittee shall submit an up-to-date diagram of the layout of the wastewater treatment system. The diagram shall include the following elements:</p> <ul style="list-style-type: none"><li>• a north arrow;</li><li>• the effective date of the diagram;</li><li>• all components of the wastewater treatment system (in a manner distinguishing previously existing components from newly constructed and proposed components);</li><li>• all backflow prevention methods/devices;</li><li>• all flow measurement devices; and</li><li>• all wastewater sampling locations.</li></ul> <p>The Permittee shall ensure that any element listed above that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the diagram in a schematic format and identified as such.</p> <p>[Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
4.	<p>Prior to discharging reclaimed domestic wastewater from the Facility to any approved Los Alamos County re-use location(s) within White Rock, the Permittee shall submit to NMED an up-to-date scaled map(s) of the entire wastewater treatment and re-use distribution system. The Permittee shall ensure the map is drawn to scale and includes the following elements and necessary labels:</p>

#	Terms and Conditions
	<ul style="list-style-type: none"> <li>• a north arrow;</li> <li>• the effective date of the map;</li> <li>• all re-use locations;</li> <li>• associated distribution pipelines;</li> <li>• all backflow prevention devices; and</li> <li>• flow measurement device locations.</li> </ul> <p>The Permittee shall ensure that any element that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the map in a schematic format and identified as such.</p> <p>[Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
5.	<p>A minimum of 90 days prior to construction of the new wastewater treatment system or a component thereof, the Permittee shall submit final construction plans and specifications for NMED's review for the proposed wastewater treatment system or a component thereof. The construction plans and specifications shall bear the seal and signature of a licensed New Mexico professional engineer (pursuant to New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) and shall include the supporting design calculations.</p> <p>The Permittee shall ensure the submitted documentation includes the following elements.</p> <ol style="list-style-type: none"> <li>a) Details of all wastewater system components (e.g., lift stations, valves, transfer lines, process units, and associated details) for the new and remaining components of the existing system.</li> <li>b) Flow meters to measure the volume of wastewater discharged from the treatment system.</li> <li>c) Specifications for all equipment, materials and installation procedures to be used in the construction of the wastewater treatment system.</li> </ol> <p>Prior to constructing the new wastewater treatment system and its associated components, the Permittee shall obtain written verification from NMED that the plans and specifications meet the requirements of this Discharge Permit.</p> <p>[Subsections A and C 20.6.2.1202 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
6.	<p>Within 30 days of completing construction of the new wastewater treatment system and its associated components, the Permittee shall submit record drawings to NMED that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New</p>

#	Terms and Conditions
	<p>Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) for the constructed.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
7.	<p>Prior to discharging reclaimed domestic wastewater to a newly authorized re-use location, the Permittee shall install the infrastructure necessary to transfer, distribute, and apply reclaimed domestic wastewater at the authorized location. The Permittee shall ensure documentation confirming installation of the distribution system consists of a narrative statement including the system type and location, and the method of backflow prevention employed (if applicable). The Permittee shall provide this documentation to NMED prior to discharging to the re-use location.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
8.	<p>The Permittee shall post signs at all re-use locations in English and Spanish warning the public of the non-potable nature of the irrigation water. The Permittee shall post signs at the entrance to the re-use locations and at other areas where public exposure to reclaimed domestic wastewater may occur. The signs shall state: <b>NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR.</b> The Permittee shall ensure that the signs remain visible and legible for the term of this Discharge Permit. The Permittee may submit alternate wording and/or graphics to NMED for approval.</p> <p>The Permittee shall submit documentation demonstrating sign installation as required by this permit condition for any newly authorized re-use location. The submitted documentation shall consist of a narrative statement describing the number and location of the signs and date-stamped photographs. The Permittee shall submit this documentation to NMED in the first periodic monitoring report subsequent to sign installation.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>

### ***Operating Conditions***

#	Terms and Conditions
9.	<p>The Permittee shall ensure that treated wastewater and reclaimed domestic wastewater discharged from the existing wastewater treatment system, after disinfection, does not exceed the following discharge limit.</p>



#	Terms and Conditions															
	<p><b>Total Nitrogen: 30 mg/L</b></p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>															
10.	<p>The Permittee shall ensure that treated wastewater and reclaimed domestic wastewater discharged from the new wastewater treatment system authorized by this Discharge Permit, after disinfection, does not exceed the following discharge limit.</p> <p><b>Total Nitrogen: 10 mg/L</b></p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>															
11.	<p>The Permittee shall ensure that Class 1B reclaimed domestic wastewater discharged from the wastewater treatment system, after disinfection, does not exceed the following discharge limits.</p> <table><tr><td><u>Test</u></td><td><u>30-day Average</u></td><td><u>Maximum</u></td></tr><tr><td>E. coli bacteria</td><td><b>63 CFU or MPN/100 mL</b></td><td><b>126 CFU or MPN/100 mL</b></td></tr><tr><td>BOD<sub>5</sub></td><td><b>30 mg/L</b></td><td><b>45 mg/L</b></td></tr><tr><td>TSS</td><td><b>30 mg/L</b></td><td><b>45 mg/L</b></td></tr><tr><td>TRC</td><td><b>Monitor Only</b></td><td><b>Monitor Only</b></td></tr></table> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>	<u>Test</u>	<u>30-day Average</u>	<u>Maximum</u>	E. coli bacteria	<b>63 CFU or MPN/100 mL</b>	<b>126 CFU or MPN/100 mL</b>	BOD <sub>5</sub>	<b>30 mg/L</b>	<b>45 mg/L</b>	TSS	<b>30 mg/L</b>	<b>45 mg/L</b>	TRC	<b>Monitor Only</b>	<b>Monitor Only</b>
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TSS	<b>30 mg/L</b>	<b>45 mg/L</b>														
TRC	<b>Monitor Only</b>	<b>Monitor Only</b>														
12.	<p>The Permittee shall apply reclaimed domestic wastewater evenly throughout each re-use location such that the amount of total nitrogen applied does not exceed 200 pounds per acre in any rolling 12-month period at any location. The Permittee shall not adjust nitrogen content to account for volatilization or mineralization processes. A requirement to track nitrogen loading utilizing a Land Application Data Sheet is included elsewhere in this Discharge Permit.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>															
13.	<p>The Permittee shall adhere to the following general requirements for above-ground use of reclaimed domestic wastewater.</p> <p>a) Reclaimed domestic wastewater systems shall have no direct or indirect cross connections with public water systems or irrigation wells pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC).</p> <p>b) Above-ground use of reclaimed domestic wastewater shall not result in excessive ponding of wastewater and shall not exceed the water consumptive needs of the</p>															

#	Terms and Conditions
	<p>vegetation. The discharge of reclaimed domestic wastewater shall not be conducted at times when the reuse area is saturated or frozen.</p> <ul style="list-style-type: none"> <li>c) The discharge of reclaimed domestic wastewater shall be confined to the re-use location(s).</li> <li>d) The discharge of reclaimed domestic wastewater to crops used for human consumption is prohibited.</li> <li>e) Water supply wells within 200 feet of a reuse location shall have adequate wellhead construction pursuant to 19.27.4 NMAC.</li> <li>f) Existing and accessible portions of the reclaimed domestic wastewater distribution system (with the exception of application equipment such as sprinklers or pivots) shall be colored purple or clearly labeled as being part of a reclaimed domestic wastewater distribution system. Piping, valves, outlets, and other plumbing fixtures shall be purple pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC) to differentiate piping or fixtures used to convey reclaimed wastewater from those intended for potable or other uses.</li> <li>g) Valves, outlets, and sprinkler heads used in reclaimed wastewater systems shall be accessible only to authorized personnel.</li> </ul> <p>The Permittee shall demonstrate adherence to these requirements by submitting documentation consisting of narrative statements and date-stamped photographs as appropriate. The Permittee shall submit the documentation to NMED once during the term of this Discharge Permit in the next required periodic monitoring report after the issuance of the Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1–78, § 74-6-5.D]</p>
14.	<p>The Permittee shall meet the following setbacks, access restrictions, and equipment requirements for spray irrigation of Class 1B reclaimed domestic wastewater.</p> <ul style="list-style-type: none"> <li>a) A minimum 100-foot setback shall be maintained between any dwellings or occupied establishments and the edge of the re-use locations.</li> <li>b) Irrigation shall be postponed at times when windy conditions may result in drift of reclaimed wastewater outside the re-use location(s).</li> <li>c) Reclaimed wastewater shall be applied at times and in a manner that minimizes public contact.</li> <li>d) The spray irrigation system shall be limited to low trajectory spray nozzles.</li> </ul> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1–78, § 74-6-5.D]</p>
15.	<p>The Permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by reclaimed domestic wastewater prior to discharging to the re-use area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice</p>

#	Terms and Conditions
	<p>the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the reclaimed domestic wastewater delivery system. The Permittee shall maintain backflow prevention at all times.</p> <p>The Permittee shall have RP devices inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures, and obtained certification demonstrating completion. The Permittee shall have all malfunctioning RP devices repaired or replaced within 30 days of discovery. Supply lines associated with the RP device shall cease being used until repair or replacement has been completed.</p> <p>The Permittee shall maintain copies of the inspection and maintenance records and test results for each RP device associated with the backflow prevention program at a location available for inspection by NMED.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
16.	<p>The Permittee shall maintain fences around the WWTF and the on-site storage impoundment to restrict access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
17.	<p>The Permittee shall maintain signs at the WWTF and the on-site storage impoundment indicating that the wastewater at the WWTF and impoundment is not potable. The signs shall be located at the WWTF and impoundment entrance(s) and other areas where there is potential for public contact with wastewater. The signs shall be in English and Spanish and shall remain visible and legible for the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
18.	<p>The Permittee shall maintain the impoundment liner to avoid conditions that could affect the liner or the structural integrity of the impoundment. Characterization of such conditions may include the following:</p> <ul style="list-style-type: none"><li>• erosion damage;</li><li>• animal burrows or other damage;</li></ul>

#	Terms and Conditions
	<ul style="list-style-type: none"><li>• the presence of vegetation including aquatic plants, weeds, woody shrubs, or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself;</li><li>• the presence of large debris or large quantities of debris in the impoundment;</li><li>• evidence of seepage; or</li><li>• evidence of berm subsidence.</li></ul> <p>The Permittee shall routinely control vegetation growing around the impoundment by mechanical removal that is protective of the impoundment liner.</p> <p>The Permittee shall visually inspect the impoundment and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>The Permittee shall create and maintain a log of all impoundment inspections which describes the date of the inspection, any findings and repairs and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
19.	<p>The Permittee shall preserve a minimum of two feet of freeboard, i.e., the liquid level in the impoundment and the elevation of the lowest-most top of the impoundment liner.</p> <p>In the event that the Permittee determines that it cannot preserve the two feet of freeboard in the impoundment, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
20.	<p>The Permittee shall properly manage all solids generated by the treatment system to maintain effective operation of the system by removing solids as necessary and in accordance with associated equipment manufacturer's specifications. The Permittee shall contain, transport, and dispose of solids removed from the treatment process in accordance with all local, state, and federal regulations.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
21.	<p>The Permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate the wastewater collection, treatment, and disposal systems. The Permittee shall ensure a certified operator or a direct supervisee of a certified operator performs the operations and maintenance of all or any part of the wastewater system.</p> <p>The Permittee shall notify the NMED within 24 hours if at any time a certified operator is no longer operating and maintaining the system.</p> <p>[Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]</p>

**B. MONITORING AND REPORTING**

#	Terms and Conditions
22.	<p>The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
23.	<p><b>METHODOLOGY</b> - Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC.</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>
24.	<p><b>QUARTERLY MONITORING</b> - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit quarterly reports to NMED by the following due dates:</p> <ul style="list-style-type: none"><li>• January 1<sup>st</sup> through March 31<sup>st</sup> – <b>due by May 1<sup>st</sup></b>;</li><li>• April 1<sup>st</sup> through June 30<sup>th</sup> – <b>due by August 1<sup>st</sup></b>;</li><li>• July 1<sup>st</sup> through September 30<sup>th</sup> – <b>due by November 1<sup>st</sup></b>; and</li><li>• October 1<sup>st</sup> through December 31<sup>st</sup> – <b>due by February 1<sup>st</sup></b>.</li></ul> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

***Monitoring Actions with Implementation Deadlines***

#	Terms and Conditions
25.	<p>Prior to discharging reclaimed domestic wastewater from the Facility to any newly approved re-use location, the Permittee shall install the following flow meter.</p> <p>A totalizing flow meter installed on the transfer line from the synthetically lined storage impoundment to the newly approved re-use location to measure the volume of reclaimed domestic wastewater discharged to the new re-use location.</p> <p>The Permittee shall submit confirmation of meter installation, type, calibration, and location to NMED prior to discharging reclaimed domestic wastewater from the Facility to the re-use location.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

***Facility Monitoring Conditions***

#	Terms and Conditions
26.	<p>The Permittee shall measure the total monthly volume, calculate the daily average volume, and record the daily peak volume of wastewater received by the treatment facility each month using a primary measuring device (equipped with head sensing, totalizing and chart recording/data logging mechanisms) located at the entrance works. The Permittee shall submit the totalized, average daily, and peak daily influent volumes for each month to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
27.	<p>The Permittee shall measure the total monthly volume, calculate the daily average volume, and record the daily peak volume of treated wastewater discharged to Canada del Buey each month using a primary measuring device (equipped with head sensing, totalizing and chart recording/data logging mechanisms) located after the disinfection unit and prior to the NPDES outfall. The Permittee shall submit the totalized, average daily, and peak daily effluent volumes for each month to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
28.	<p>The Permittee shall on a monthly basis measure the volume of reclaimed domestic wastewater discharged to each re-use location using a totalizing flow meter. The meter shall be located on the transfer lines between the reclaimed wastewater storage impoundment and each re-use location.</p>

#	Terms and Conditions
	<p>The Permittee shall maintain a log that records the date that discharges occur to each re-use location the monthly totalizing meter readings and units of measurement. The Permittee shall use the log to calculate the total monthly volume of reclaimed domestic wastewater discharged to each re-use location. The Permittee shall also use the monthly volume discharged to each re-use location on the LADS (copy enclosed) to calculate nitrogen loading. The Permittee shall submit a copy of the log for each re-use location to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
29.	<p>All flow meters shall be capable of having their accuracy verified under working (i.e., real-time in-the-field) conditions. The Permittee shall develop a field verification method for each flow meter and shall utilize that method to check the accuracy of each respective meter. The Permittee shall perform field calibrations upon repair or replacement of a flow measurement device and, at a minimum, on an annual basis.</p> <p>The Permittee shall ensure each flow meter is calibrated to its manufacturer's recommended specification which shall be no less accurate than plus or minus 10 percent of actual flow, as measured under field conditions. An individual knowledgeable in flow measurement shall perform field calibration and the installation/operation of the device in use. The Permittee shall prepare a flow meter calibration report for each flow measurement device calibration event. The flow meter calibration report shall include the following information.</p> <ol style="list-style-type: none"> <li>The location and meter identification.</li> <li>The method of flow meter field calibration employed.</li> <li>The measured accuracy of each flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check.</li> <li>The measured accuracy of each flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter.</li> <li>Any flow meter repairs made during the previous year or during field calibration.</li> <li>The name of the individual performing the calibration and the date of the calibration.</li> </ol> <p>The Permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during Facility inspections.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
30.	<p>The Permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. The Permittee shall maintain a log of the inspections that includes a date of the inspection, findings and repairs, and the name of the inspector. The Permittee shall make the log available to NMED upon request.</p>

#	Terms and Conditions
	<p>If a visual inspection indicates a flow meter is not functioning as required by this Discharge Permit, the Permittee shall repair or replace the meter within 30 days of discovery. For <i>repaired</i> meters, the Permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For <i>replacement</i> meters, the Permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
31.	<p>The Permittee shall collect grab samples of treated/reclaimed domestic wastewater after the disinfection unit on a quarterly basis and analyze the samples for:</p> <ul style="list-style-type: none"><li>• total Kjeldahl nitrogen (TKN);</li><li>• nitrate-nitrogen (NO<sub>3</sub>-N);</li><li>• TDS; and</li><li>• chloride (Cl).</li></ul> <p>The Permittee shall ensure the samples are properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical data results, including the QA/QC summary and Chain of Custody, to NMED in the subsequent quarterly monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
32.	<p>During any two-week period that the discharge of reclaimed domestic wastewater occurs, the Permittee shall perform the following analyses on the wastewater samples collected after the disinfection unit using the following sampling method and frequency:</p> <ul style="list-style-type: none"><li>• E. coli bacteria: grab sample at peak daily flow once per week;</li><li>• BODs: six-hour composite sample once per two weeks;</li><li>• TSS: six-hour composite sample once per two weeks; and</li><li>• UV transmissivity values: record whenever collecting bacteria samples.</li></ul> <p>The Permittee shall ensure the samples are properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical data results, including the QA/QC summary and Chain of Custody, and a copy of the log of TRC concentrations to NMED in the subsequent quarterly monitoring report.</p>



#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsections B, C and H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
33.	<p>The Permittee shall characterize reclaimed domestic wastewater for specific inorganic contaminants once during the term of the Discharge Permit. Within one year of the issuance date of this Discharge Permit (<b>by DATE</b>), the Permittee shall collect a 24-hour flow weighted composite sample (except as noted for pH) of reclaimed domestic wastewater after the disinfection unit and analyze the sample for the following inorganic contaminants (the dissolved fraction except as noted):</p> <ul style="list-style-type: none"> <li>• aluminum (CAS 7429-90-5)</li> <li>• antimony (CAS 7440-36-0)</li> <li>• arsenic (CAS 7440-38-2)</li> <li>• barium CAS 7440-39-3)</li> <li>• beryllium (CAS 7440-41-7)</li> <li>• boron (CAS 7440-42-8)</li> <li>• cadmium (CAS 7440-43-9)</li> <li>• chromium (CAS 7440-47-3)</li> <li>• cobalt (CAS 7440-48-4)</li> <li>• copper (CAS 7440-50-8)</li> <li>• cyanide CAS 57-12-5)</li> <li>• fluoride (CAS 16984-48-8)</li> <li>• iron (CAS 7439-89-6)</li> <li>• lead (CAS 7439-92-1)</li> <li>• manganese (CAS 7439-96-5)</li> <li>• molybdenum (CAS 7439-98-7)</li> <li>• <u>total</u> mercury (nonfiltered) (CAS 7439-97-6)</li> <li>• pH (instantaneous)</li> <li>• nickel (CAS 7440-02-0)</li> <li>• radioactivity: combined radium-226 &amp; radium-228 (CAS 15262-20-1)</li> <li>• selenium (CAS 7782-49-2)</li> <li>• silver (CAS 7440-224)</li> <li>• sulfate (CAS 14808-79-8)</li> <li>• thallium (CAS 7440-28-0)</li> <li>• uranium (CAS 7440-61-1)</li> <li>• zinc (CAS 7440-66-6)</li> </ul> <p>The Permittee shall ensure the sample is properly collected, prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall analyze the sample using methods with reporting limits that are less than the corresponding numerical groundwater standards identified in 20.6.2.3103 NMAC.</p> <p>The Permittee shall submit a table summary of measured concentrations compared with the corresponding groundwater standards, a copy of the laboratory analytical data results, and the QA/QC summary and the Chain of Custody to NMED in the quarterly monitoring report due in August 1, 20XX.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
34.	<p>The Permittee shall characterize reclaimed domestic wastewater for specific organic contaminants once during the term of the Discharge Permit. Within one year of the issuance date of this Discharge Permit (<b>by DATE</b>), the Permittee shall collect a grab sample</p>

#	Terms and Conditions
	<p>of reclaimed domestic wastewater at a location after the disinfection unit and analyze the non-filtered sample for the following organic contaminants:</p> <ul style="list-style-type: none"> <li>• atrazine (CAS 1912-24-9)</li> <li>• benzene (CAS 71-43-2)</li> <li>• benzo-a-pyrene (CAS 50-32-8)</li> <li>• carbon tetrachloride (CAS 56-23-5)</li> <li>• chloroform (CAS 67-66-3)</li> <li>• 1,2-dichlorobenzene (CAS 95-50-1)</li> <li>• 1,4-dichlorobenzene (CAS 106-46-7)</li> <li>• 1,1-dichloroethane (CAS 75-34-3)</li> <li>• 1,2-dichloroethane (EDC, CAS 107-06-2)</li> <li>• 1,1-dichloroethene (1,1-DCE, CAS 75-35-4)</li> <li>• cis-1,2-dichloroethene (CAS 156-59-2)</li> <li>• trans-1,2-dichloroethene (CAS 156-60-5)</li> <li>• 1,2-dichloropropane (PDC, CAS 78-87-5)</li> <li>• 1,4-dioxane (CAS 123-91-1) (using EPA Method 8270D- SIM)</li> <li>• ethylbenzene (CAS 100-41-4)</li> <li>• ethylene dibromide (EDB, CAS 106-93-4)</li> <li>• methylene chloride (CAS 75-09-2)</li> <li>• PAHs: total naphthalene (CAS 91-20-3) plus monomethylnaphthalenes</li> <li>• phenols</li> <li>• polychlorinated biphenyls (PCBs, CAS 1336-36-3)</li> <li>• pentachlorophenol (CAS 87-86-5)</li> <li>• toluene (CAS 108-88-3)</li> <li>• styrene (CAS 100-42-5)</li> <li>• 1,1,2,2-tetrachloroethane (CAS 79-34-5)</li> <li>• tetrachloroethene (PCE, CAS 127-18-4)</li> <li>• 1,2,4-trichlorobenzene (CAS 120-82-1)</li> <li>• 1,1,1-trichloroethane (1,1,1-TCA, CAS 71-55-6)</li> <li>• 1,1,2-trichloroethane (CAS 79-00-5)</li> <li>• trichloroethene (TCE, CAS 79-01-6))</li> <li>• vinyl chloride (CAS 75-01-4)</li> <li>• total xylenes (CAS 1330-20-7)</li> </ul> <p>The Permittee shall ensure the sample is properly collected, prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall analyze samples using methods with reporting limits that are less than the corresponding numerical groundwater standards identified in 20.6.2.3103 NMAC. The reporting limit for 1,4-dioxane shall be less than the Tap Water Screening Level for 1,4-dioxane identified in the <i>NMED Risk Assessment Guidance for Site Assessments and Investigations</i>, Table A-1 (available on the NMED Hazardous Waste Bureau's website under Guidance Documents).</p> <p>The Permittee shall submit a table summary of measured chemical concentrations compared with the corresponding groundwater standards, a copy of the laboratory analytical data report, and the QA/QC summary and the Chain of Custody to NMED in the quarterly monitoring report due in August 1, 20XX.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>

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35.	<p>The Permittee shall complete the LADS on a monthly basis that document the amount of nitrogen applied to each re-use location during each of the most recent 12 months. The monthly LADS entry shall reflect the total nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes to each re-use location for each month. The Permittee shall complete the LADS with the information above or include a statement that application of wastewater to a reuse location did not occur. The Permittee shall submit a copy of the LADS to NMED in the subsequent quarterly monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
36.	<p>The Permittee shall keep a Fertilizer Log (copy enclosed) that documents all additional nitrogenous fertilizer applied to each re-use location. The Log shall contain the date of fertilizer application, the type (organic or inorganic) and form (granular or liquid) of the fertilizer, nitrogen concentration (in percent) of the fertilizer, the amount of fertilizer applied (in pounds per acre), and the amount of nitrogen applied (in pounds per acre) for each location. The Permittee shall submit a copy of the Log, or a statement that application of fertilizer did not occur, to NMED in the subsequent quarterly monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
37.	<p>The Permittee shall submit records of sewage sludge solids disposal, including a copy of all associated Discharge Monitoring Reports (DMRs) required by the EPA pursuant to NPDES Permit No. NM0020133 , for the previous calendar year, to NMED annually in the quarterly monitoring report due by August 1<sup>st</sup> each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

### C. CONTINGENCY PLAN

#	Terms and Conditions
38.	<p>In the event that groundwater exceeds a groundwater protection standard identified in Section 20.6.2.3103 NMAC as a result of this discharge during the term of this Discharge Permit, upon closure of the Facility, or during the implementation of post-closure requirements, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP as approved by NMED.</p> <p>The NMED may require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108, and Section 20.6.2.4112 NMAC.</p>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]
39.	<p>In the event that analytical results of a treated/reclaimed domestic wastewater sample indicate an exceedance of the total nitrogen discharge limit set in this Discharge Permit, the Permittee shall collect and submit for analysis a second sample within 48 hours of the receipt of the initial sampling results. In the event the second sample results indicate an exceedance of the discharge limit, the Permittee shall implement the following contingencies.</p> <ul style="list-style-type: none"> <li>a) Within 7 days of the second sample analysis date indicating exceedance of the discharge limit, the Permittee shall: <ul style="list-style-type: none"> <li>i) notify NMED that the Permittee is implementing the Contingency Plan; and</li> <li>ii) submit a copy of the first and second analytical results indicating an exceedance to NMED.</li> </ul> </li> <li>b) The Permittee shall increase the frequency of total nitrogen wastewater sampling and analysis of treated wastewater to once per month.</li> <li>c) The Permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures.</li> <li>d) The Permittee shall conduct a physical inspection of the treatment system to detect abnormalities. The Permittee shall correct any abnormalities discovered. The Permittee shall submit a report to NMED detailing the corrections within 30 days of correction.</li> <li>e) In the event that any analytical results from monthly wastewater sampling indicate an exceedance of the total nitrogen discharge limit, the Permittee shall submit a Corrective Action Plan (CAP) to NMED for approval proposing to modify operational procedures and/or upgrade the treatment process to achieve the total nitrogen limit. The Permittee shall submit the CAP including a schedule for completion of corrective actions and within 90 days of receipt of the analytical results of the second sample indicating that the discharge limit is continuing to be exceeded. The Permittee shall initiate implementation of the CAP following approval by NMED.</li> </ul> <p>When analytical results from three consecutive months of wastewater sampling do not exceed the discharge limit, the Permittee may request NMED authorize a return to a quarterly monitoring frequency.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
40.	<p>In the event that analytical results of a reclaimed domestic wastewater sample indicate an exceedance of any of the maximum discharge limits for BOD<sub>5</sub>, TSS, or E. coli bacteria set by this Discharge Permit, the Permittee shall collect and submit for analysis a second sample within 24 hours after becoming aware of the exceedance. In the event the second sample results confirm the exceedance of the maximum discharge limits, the Permittee shall implement the Contingency Plan below.</p>

#	Terms and Conditions
	<p style="text-align: center;"><b>AND / OR</b></p> <p>In the event that analytical results of a reclaimed domestic wastewater sample indicate an exceedance of any of the 30-day average discharge limits for BOD<sub>5</sub>, TSS, or E. coli bacteria set by this Discharge Permit (i.e., confirmed exceedance), the Permittee shall implement the Contingency Plan below.</p> <p><u>Contingency Plan</u></p> <ul style="list-style-type: none"><li>a) Within 24 hours of becoming aware of a confirmed exceedance (as identified above), the Permittee shall:<ul style="list-style-type: none"><li>i) notify NMED that the Permittee is implementing the Contingency Plan; and</li><li>ii) submit copies of the recent analytical results indicating an exceedance to NMED.</li></ul></li><li>b) The Permittee shall immediately cease discharging reclaimed domestic wastewater to all re-use locations if the E. coli bacteria maximum limit is exceeded.</li><li>c) The Permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures.</li><li>d) The Permittee shall conduct a physical inspection of the treatment system to detect abnormalities and shall correct any abnormalities discovered. The Permittee shall submit a report detailing the corrections made to NMED within 30 days following correction.</li></ul> <p>When the analytical results from samples of reclaimed domestic wastewater, sampled as required by this Discharge Permit, no longer indicate an exceedance of any of the maximum discharge limits, the Permittee may resume discharging reclaimed domestic wastewater to the reuse locations.</p> <p>If a Facility is required to implement the Contingency Plan more than two times in a 12-month period, the Permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve consistent compliance with the maximum and 30-day average discharge limits by submitting a Corrective Action Plan (CAP) for NMED approval. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions and is submitted within 60 days following receipt of the analytical results confirming the exceedance. The Permittee shall initiate implementation of the CAP following approval by NMED. NMED may require, prior to recommencing discharge to the reuse area, additional sampling of any stored reclaimed domestic wastewater.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
41.	<p>In the event that a LADS shows that the amount of nitrogen in wastewater applied in any 12-month period exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the affected re-use location(s) by submitting a Corrective Action Plan (CAP) to NMED for approval. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions and is submitted within 90 days following the end of the monitoring period in which the exceedance occurred. The Permittee shall implement the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
42.	<p>In the event that inspection reveals significant damage has occurred or is likely to affect the structural integrity of the impoundment liner or its ability to contain contaminants, the Permittee shall propose the repair or replacement of the impoundment liner by submitting a Corrective Action Plan (CAP) to NMED for approval. The Permittee shall ensure the CAP is submitted to NMED within 30 days after discovery of the damage or following notification from NMED that significant liner damage is evident. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
43.	<p>In the event that an impoundment cannot preserve a minimum of two feet of freeboard, the Permittee shall take actions to restore the required freeboard as authorized by this Discharge Permit and all applicable local, state, and federal regulations.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the Permittee shall propose actions to restore two feet of freeboard by submitting a short-term Corrective Action Plan (CAP) to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall submit the CAP within 15 days following the date the Permittee or the NMED discover the freeboard exceedance. The Permittee shall implement the CAP following approval by NMED.</p> <p>In the event that the short-term corrective actions fail to restore two feet of freeboard, the Permittee shall submit to NMED a proposal for permanent corrective actions in a long-term CAP. The Permittee shall submit the long-term CAP within 90 days following failure of the short-term CAP. Examples include the installation of an additional storage impoundment or a significant and permanent reduction in the volume of wastewater discharged to the impoundment. The Permittee shall ensure the long-term CAP includes a schedule for</p>

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	<p>completion of corrective actions. The Permittee shall implement the CAP following NMED approval.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
44.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ol style="list-style-type: none"><li>The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility.</li><li>The name and address of the Facility.</li><li>The date, time, location, and duration of the unauthorized discharge.</li><li>The source and cause of unauthorized discharge.</li><li>A description of the unauthorized discharge, including its estimated chemical composition.</li><li>The estimated volume of the unauthorized discharge.</li><li>Any actions taken to mitigate immediate damage from the unauthorized discharge.</li></ol> <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a Corrective Action Plan to NMED describing any corrective actions previously taken and/or corrective actions to be taken relative to the unauthorized discharge</p> <p>The Permittee shall insure the CAP includes the following information.</p> <ol style="list-style-type: none"><li>A description of proposed actions to mitigate damage from the unauthorized discharge.</li><li>A description of proposed actions to prevent future unauthorized discharges of this nature.</li><li>A schedule for completion of proposed actions.</li></ol> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may</p>

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	<p>require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
45.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

#### D. CLOSURE PLAN

##### *Closure Actions with Implementation Deadlines*

#	Terms and Conditions
46.	<p>The Permittee shall perform the following closure measures in the event the existing wastewater treatment system, or component thereof, is replaced and proposed to be permanently closed.</p> <p>Within <u>90 days</u> of ceasing to discharge to the existing treatment system, the Permittee shall complete the following closure measures.</p> <ul style="list-style-type: none"><li>a) Plug the line leading to the system so that a discharge can no longer occur.</li><li>b) Evaporate wastewater in the system components, or drained and disposed of in accordance with all local, state, and federal regulations, or discharge from the existing treatment system to the new treatment system authorized by this Discharge Permit.</li><li>c) Contain, transport, and dispose of solids removed from the treatment system in accordance with all local, state, and federal regulations, including 40 CFR Part 503. The Permittee shall maintain a record of all solids transported for off-site disposal.</li></ul> <p>Within <u>180 days</u> of ceasing to discharge to the existing treatment system, the Permittee shall complete the following closure measures.</p> <ul style="list-style-type: none"><li>a) Remove all lines leading to and from the treatment system, or permanently plug and abandon them in place.</li><li>b) Remove or demolish all treatment system components, and re-grade the area with</li></ul>



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	<p>suitable fill to blend with surface topography, promote positive drainage and prevent ponding.</p> <p>When the Permittee has completed all closure requirements for the existing treatment system, the Permittee shall submit to NMED date stamped photographic evidence demonstrating compliance with the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

***Permanent Facility Closure Conditions***

#	Terms and Conditions
47.	<p>The Permittee shall perform the following closure measures in the event the entire Facility, or a component of the Facility, is proposed to be permanently closed.</p> <p>The Permittee shall complete the following closure measures within <u>90 days</u> of ceasing to discharge to the wastewater treatment system.</p> <ul style="list-style-type: none"><li>a) Plug the WWTF influent so that a discharge to or from the WWTF can no longer occur.</li><li>b) Evaporate wastewater in the WWTF system components and storage impoundment, or drain and dispose of all wastewater in accordance with all local, state, and federal regulations, or discharge reclaimed wastewater from the system to the re-use locations as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) to the re-use locations is prohibited.</li><li>c) Contain, transport, and dispose of solids removed from the treatment system in accordance with all local, state, and federal regulations, including 40 CFR Part 503. The Permittee shall maintain a record of all solids transported for off-site disposal.</li></ul> <p>The Permittee shall complete the following closure measures within <u>180 days</u> of ceasing to discharge to the treatment system (or unit).</p> <ul style="list-style-type: none"><li>a) Remove all lines leading to and from the treatment system, or permanently plug and abandon them in place.</li><li>b) Remove or demolish all treatment system components, re-grade the area with suitable fill to blend with surface topography and to promote positive drainage and prevent ponding.</li><li>c) Perforate or remove the storage impoundment liner; fill the impoundment with suitable fill; and re-grade the impoundment site to blend with surface topography and to promote positive drainage and prevent ponding.</li></ul> <p>When the Permittee has met all closure requirements and verified the attainment of the requirements with date stamped photographic evidence or an associated NMED inspection,</p>

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	<p>the Permittee may submit to NMED a written request for termination of the Discharge Permit that includes the photographic evidence.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

**E. GENERAL TERMS AND CONDITIONS**

#	Terms and Conditions
48.	<p><b>RECORD KEEPING</b> - The Permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none"> <li>• Information and data used to complete the application for this Discharge Permit;</li> <li>• Information, data, and documents demonstrating completion of closure activities;</li> <li>• Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;</li> <li>• The operation, maintenance, and repair of all facilities/equipment used to treat, store, or dispose of wastewater;</li> <li>• Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer;</li> <li>• Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;</li> <li>• The volume of wastewater or other wastes discharged pursuant to this Discharge Permit;</li> <li>• Wastewater quality data collected pursuant to this Discharge Permit;</li> <li>• The maintenance, repair, replacement, or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and</li> <li>• Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including the following: <ul style="list-style-type: none"> <li>○ the dates, locations, and times of sampling or field measurements;</li> <li>○ the name and job title of the individuals who performed each sample collection or field measurement;</li> <li>○ the sample analysis date of each sample;</li> <li>○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li> <li>○ the analytical technique or method used to analyze each sample or collect each field measurement;</li> <li>○ the results of each analysis or field measurement, including raw data;</li> <li>○ the results of any split, spiked, duplicate, or repeat sample; and</li> <li>○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.</li> </ul> </li> </ul>

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	<p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for a lifetime of the Discharge Permit. The Permittee shall make the record available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
49.	<p>SUBMITTALS - The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The paper and electronic documents shall be submitted to the NMED Permit Contact identified on the Permit cover page.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
50.	<p>INSPECTION and ENTRY - The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may, upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>No person shall construe anything in this Discharge Permit as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
51.	<p>DUTY to PROVIDE INFORMATION - The Permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
52.	<p>MODIFICATIONS and/or AMENDMENTS - In the event the Permittee proposes a change to the Facility or the Facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated, or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED's approval</p>

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	<p>(which may require modification of this Discharge Permit) prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
53.	<p><b>PLANS and SPECIFICATIONS</b> - In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
54.	<p><b>CIVIL PENALTIES</b> - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
55.	<p><b>CRIMINAL PENALTIES</b> - No person shall:</p> <ul style="list-style-type: none"> <li>• Make any false material statement, representation, certification, or omission of material fact in an application, record, report, plan, or other document filed, submitted, or maintained under the WQA;</li> <li>• Falsify, tamper with, or render inaccurate any monitoring device, method, or record maintained under the WQA; or</li> </ul>

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	<ul style="list-style-type: none"> <li>Fail to monitor, sample, or report as required by a permit issued pursuant to a state or federal law or regulation.</li> </ul> <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
56.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
57.	<p>RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
58.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none"> <li>Notify the proposed transferee in writing of the existence of this Discharge Permit;</li> <li>Include a copy of this Discharge Permit with the notice; and</li> <li>Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification.</li> </ul>

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	<p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p> <p>[20.6.2.3111 NMAC]</p>
59.	<p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit issuance date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>